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TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

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Proposed Rule  
LSA Document #15-258

## DIGEST

Amends [345 IAC 1-2.1-1](#) to conform definitions to the federal swine health protection definitions at 9 CFR 166. Amends [345 IAC 1-2.1-2](#) concerning disposition of refuse. Amends [345 IAC 1-2.1-3](#) to align products not included as garbage with the federal swine health regulations. Adds [345 IAC 1-2.1-3.5](#) to establish a licensing and inspection process for a person desiring to operate a facility to produce treated garbage. Adds [345 IAC 1-2.1-3.6](#) to incorporate the federal garbage handling and treatment regulations by reference. Amends [345 IAC 1-2.1-4](#) to clarify when a movement of garbage to be fed to swine constitutes a violation and adds actions that may be taken against an individual who violates the requirements of the rule. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[345 IAC 1-2.1-1](#); [345 IAC 1-2.1-2](#); [345 IAC 1-2.1-3](#); [345 IAC 1-2.1-3.5](#); [345 IAC 1-2.1-3.6](#); [345 IAC 1-2.1-4](#)

SECTION 1. [345 IAC 1-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 1-2.1-1](#) Definitions

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-3-13](#)

Sec. 1. The definitions in [IC 15-17-2](#) and the following definitions apply throughout this rule:

(1) "Garbage" means: ~~any~~

(A) **all waste** material derived in whole or in part from **the meat of** any animal ~~(including (such as~~ livestock, fish, and poultry); **and**

(B) **refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal.**

(2) "Processed product" means material derived in whole or in part from the meat of any animal (such as livestock, fish, and poultry), other animal material, and other refuse that has been associated with any meat or animal material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability and that has been:

(A) cooked to a temperature of at least one hundred sixty-seven (167) degrees Fahrenheit for at least thirty (30) minutes; or

(B) subjected to other industrial processes approved by the state veterinarian based upon a determination that the processes provide an equivalent level of inactivation of disease organisms.

(3) "Rendered product" means waste material derived in whole or in part from ~~the meat of~~ any animal ~~(including (such as~~ livestock, fish, and poultry) **or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, or consumption of food that is:**

(A) ground and heated to a minimum temperature of ~~230° F;~~ **two hundred thirty (230) degrees Fahrenheit; or**

(B) subjected to other industrial processes approved by the state veterinarian based upon a determination that the processes provide an equivalent level of inactivation of disease organisms; to make products such as, **but not limited to,** animal, poultry, or fish protein meal, grease, or tallow.

(4) "Treated garbage" means edible waste for animal consumption derived from garbage that has been:

(A) heated throughout at boiling or equivalent temperature of two hundred twelve (212) degrees Fahrenheit for thirty (30) minutes under the supervision of a licensee under section 3.5 of this rule; or

(B) subjected to other industrial processes approved by the state veterinarian based upon a determination that the processes provide an equivalent level of inactivation of disease organisms.

*(Indiana State Board of Animal Health; [345 IAC 1-2.1-1](#); filed Jan 20, 1988, 4:00 p.m.: 11 IR 1738; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed Feb 9, 2007, 9:42 a.m.: [20070307-IR-345060512RFA](#); readopted filed Aug 7, 2013, 8:32 a.m.: [20130904-IR-345130236RFA](#))*

SECTION 2. [345 IAC 1-2.1-2](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 1-2.1-2](#) Disposition of refuse**

Authority: [IC 15-17-3-21](#); [IC 15-17-10-16](#)

Affected: [IC 15-17-3-13](#)

Sec. 2. (a) Refuse from the handling, preparation, cooking, **A person may not feed** or consumption of feed that has been associated with waste material derived in whole or in part from any animal, including fish and poultry is identified as **permit the feeding of** garbage

(b) Refuse from the handling, preparation, cooking, or consumption of food that has been ground and heated to a minimum temperature of 230 F is identified as a rendered product. **swine unless the following requirements are met:**

(1) The garbage is treated to kill disease organisms in accordance with this rule.

(2) The processing occurs at a facility operated by a person holding a valid license for the treatment of garbage issued under section 3.5 of this rule.

(Indiana State Board of Animal Health; [345 IAC 1-2.1-2](#); filed Jan 20, 1988, 4:00 p.m.: 11 IR 1738; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed Feb 9, 2007, 9:42 a.m.: [20070307-IR-345060512RFA](#); readopted filed Aug 7, 2013, 8:32 a.m.: [20130904-IR-345130236RFA](#))

SECTION 3. [345 IAC 1-2.1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 1-2.1-3](#) Products not included as garbage**

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-3-13](#)

Sec. 3. The following are not included as garbage:

(1) Bakery waste.

(2) Candy waste.

(3) Eggs.

(4) Domestic dairy products.

**(5) Processed product.**

**(6) Rendered product.**

**(7) Treated garbage.**

~~(5)~~ **(8)** Waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.

(Indiana State Board of Animal Health; [345 IAC 1-2.1-3](#); filed Jan 20, 1988, 4:00 p.m.: 11 IR 1738; filed Jan 8, 1992, 12:00 p.m.: 15 IR 700; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed Feb 9, 2007, 9:42 a.m.: [20070307-IR-345060512RFA](#); readopted filed Aug 7, 2013, 8:32 a.m.: [20130904-IR-345130236RFA](#))

SECTION 4. [345 IAC 1-2.1-3.5](#) IS ADDED TO READ AS FOLLOWS:

**[345 IAC 1-2.1-3.5](#) Treated garbage; licensing and inspection**

Authority: [IC 15-17-3-21](#); [IC 15-17-10-16](#)

Affected: [IC 15-17-3-13](#)

Sec. 3.5. (a) The state veterinarian may issue a license for a person to produce treated garbage to be fed to swine in accordance with the requirements of this rule. A license issued under this rule expires at the end of the month two (2) years after the date it was issued. A person may apply to renew an expiring license.

(b) A person desiring to operate a facility to produce treated garbage must obtain a license from the board. The applicant shall submit a license application on a form that will be furnished by the board.

(c) Prior to the issuance of a license, each applicant must demonstrate during an inspection by the board that the premises, facilities, and equipment to be used comply with the requirements set forth in

section 3.6 of this rule.

(d) Licensees must operate a treatment facility in compliance with the requirements set forth in section 3.6 of this rule.

(e) Licensees must make the treatment facility premises, facilities, and equipment available during normal business hours for inspection to determine continued compliance with the requirements of this rule. An employee of the board is authorized to do the following:

- (1) Inspect the premises, facility, and equipment used to process the garbage.
- (2) Take samples of garbage and treated garbage.
- (3) Observe and physically inspect the health status of all species of animals on the premises.
- (4) Review records and make copies of such records.
- (5) Take photographs.
- (6) Request information concerning sources of garbage.
- (7) Obtain any other information necessary to determine compliance with this rule.

(f) A licensed facility shall notify the board of any of the following:

- (1) Change in the name, address, management, or substantial control or ownership of the facility within thirty (30) days after such change.
- (2) Illness or death not normally associated with the licensee's operation in any animal species on the licensee's premises within one (1) calendar day of discovery of the illness or death.

(Indiana State Board of Animal Health; [345 IAC 1-2.1-3.5](#))

SECTION 5. [345 IAC 1-2.1-3.6](#) IS ADDED TO READ AS FOLLOWS:

**[345 IAC 1-2.1-3.6](#) Operating standards; incorporation by reference**

Authority: [IC 15-17-3-21](#); [IC 15-17-10-16](#)

Affected: [IC 15-17-3-13](#)

**Sec. 3.6. (a) A person treating garbage to be fed to swine must comply with the operating standards incorporated by reference in this section.**

**(b) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2015:**

- (1) 9 CFR 166.3 through 9 CFR 166.9.**
- (2) 9 CFR 166.14.**

**(c) Where the provisions of this rule conflict with matters incorporated by reference, the express provisions of this rule shall control.**

**(d) Incorporated documents are available for public inspection at the board. Copies of the incorporated documents may be obtained from the United States Department of Agriculture website, the U.S. Government Printing Office website, or upon sending a written request to the board.**

(Indiana State Board of Animal Health; [345 IAC 1-2.1-3.6](#))

SECTION 6. [345 IAC 1-2.1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 1-2.1-4](#) Violations**

Authority: [IC 15-17-3-21](#); [IC 15-17-10-16](#)

Affected: [IC 15-17-3-13](#); [IC 15-17-18-12](#)

~~Sec. 4. It shall be a violation of [345 IAC 1-2.1](#):~~ **(a) A person may not:**

- ~~(1) to collect garbage from restaurants, hotels, hospitals, and institutions to be fed to swine;~~
- ~~(2) for owners or managers of~~ **permit the removal of garbage from** restaurants, hotels, hospitals, and

institutions to permit the removal of garbage to be fed to swine;

(3) to transport garbage interstate into Indiana to be fed to swine;

(4) to pick up garbage, grease, or tallow and haul **unless the garbage is moved directly** to an Indiana licensed renderer without a vehicle permit. **a facility operated by a person holding a valid license issued under this rule for the treatment of garbage.**

**(b) The state veterinarian may take any of the following actions against a licensed facility or other individual that violates any provision of this rule:**

**(1) Suspend or revoke the license issued under section 3.5 of this rule.**

**(2) Issue compliance orders.**

**(3) Impose a monetary penalty under [IC 15-17-18-12](#).**

**(4) Any other action authorized by law.**

*(Indiana State Board of Animal Health; [345 IAC 1-2.1-4](#); filed Jan 20, 1988, 4:00 p.m.: 11 IR 1738; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed Feb 9, 2007, 9:42 a.m.: [20070307-IR-345060512RFA](#); readopted filed Aug 7, 2013, 8:32 a.m.: [20130904-IR-345130236RFA](#))*

#### [Notice of Public Hearing](#)

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